

Part 8

Political Issues Committees - Registration and Financial Reporting

20A-11-801 Political issues committees -- Registration -- Criminal penalty for providing false information or accepting unlawful contribution.

- (1)
 - (a) Each political issues committee shall file a statement of organization with the lieutenant governor's office by January 10 of each year, unless the political issues committee has filed a notice of dissolution under Subsection (4).
 - (b) If a political issues committee is organized after the January 10 filing date, the political issues committee shall file an initial statement of organization no later than seven days after:
 - (i) receiving political issues contributions totaling at least \$750; or
 - (ii) disbursing political issues expenditures totaling at least \$750.
- (2) Each political issues committee shall designate two officers that have primary decision-making authority for the political issues committee.
- (3) The statement of organization shall include:
 - (a) the name and street address of the political issues committee;
 - (b) the name, street address, phone number, occupation, and title of the two primary officers designated under Subsection (2);
 - (c) the name, street address, occupation, and title of all other officers of the political issues committee;
 - (d) the name and street address of the organization, individual, corporation, association, unit of government, or union that the political issues committee represents, if any;
 - (e) the name and street address of all affiliated or connected organizations and their relationships to the political issues committee;
 - (f) the name, street address, business address, occupation, and phone number of the committee's treasurer or chief financial officer;
 - (g) the name, street address, and occupation of each member of the supervisory and advisory boards, if any; and
 - (h) the ballot proposition whose outcome they wish to affect, and whether they support or oppose it.
- (4)
 - (a) Any registered political issues committee that intends to permanently cease operations during a calendar year shall file a notice of dissolution with the lieutenant governor's office.
 - (b) Any notice of dissolution filed by a political issues committee does not exempt that political issues committee from complying with the financial reporting requirements of this chapter.
- (5)
 - (a) Unless the political issues committee has filed a notice of dissolution under Subsection (4), a political issues committee shall file, with the lieutenant governor's office, notice of any change of an officer described in Subsection (2).
 - (b) Notice of a change of a primary officer described in Subsection (2) shall:
 - (i) be filed within 10 days of the date of the change; and
 - (ii) contain the name and title of the officer being replaced and the name, street address, occupation, and title of the new officer.
- (6)

- (a) A person is guilty of providing false information in relation to a political issues committee if the person intentionally or knowingly gives false or misleading material information in the statement of organization or the notice of change of primary officer.
- (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful contribution if the political issues committee knowingly or recklessly accepts a contribution from a corporation that:
 - (i) was organized less than 90 days before the date of the general election; and
 - (ii) at the time the political issues committee accepts the contribution, has failed to file a statement of organization with the lieutenant governor's office as required by Section 20A-11-704.
- (c) A violation of this Subsection (6) is a third degree felony.

Amended by Chapter 388, 2015 General Session

20A-11-802 Political issues committees -- Financial reporting.

- (1)
 - (a) Each registered political issues committee that has received political issues contributions totaling at least \$750, or disbursed political issues expenditures totaling at least \$750, during a calendar year, shall file a verified financial statement with the lieutenant governor's office:
 - (i) on January 10, reporting contributions and expenditures as of December 31 of the previous year;
 - (ii) seven days before the state political convention of each major political party;
 - (iii) seven days before the regular primary election date;
 - (iv) seven days before the date of an incorporation election, if the political issues committee has received donations or made disbursements to affect an incorporation;
 - (v) at least three days before the first public hearing held as required by Section 20A-7-204.1;
 - (vi) if the political issues committee has received or expended funds in relation to an initiative or referendum, at the time the initiative or referendum sponsors submit:
 - (A) the verified and certified initiative packets as required by Section 20A-7-206; or
 - (B) the signed and verified referendum packets as required by Section 20A-7-306;
 - (vii) on September 30; and
 - (viii) seven days before:
 - (A) the municipal general election; and
 - (B) the regular general election.
 - (b) The political issues committee shall report:
 - (i) a detailed listing of all contributions received and expenditures made since the last statement; and
 - (ii) all contributions and expenditures as of five days before the required filing date of the financial statement, except for a financial statement filed on January 10.
 - (c) The political issues committee need not file a statement under this section if it received no contributions and made no expenditures during the reporting period.
- (2)
 - (a) That statement shall include:
 - (i) the name and address, if known, of any individual who makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

- (ii) the identification of any publicly identified class of individuals that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
- (iii) the name and address, if known, of any political issues committee, group, or entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
- (iv) the name and address of each reporting entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
- (v) for each nonmonetary contribution, the fair market value of the contribution;
- (vi) except as provided in Subsection (2)(c), the name and address of each individual, entity, or group of individuals or entities that received a political issues expenditure of more than \$50 from the reporting political issues committee, and the amount of each political issues expenditure;
- (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- (viii) the total amount of political issues contributions received and political issues expenditures disbursed by the reporting political issues committee;
- (ix) a statement by the political issues committee's treasurer or chief financial officer certifying that, to the best of the person's knowledge, the financial statement is accurate; and
- (x) a summary page in the form required by the lieutenant governor that identifies:
 - (A) beginning balance;
 - (B) total contributions during the period since the last statement;
 - (C) total contributions to date;
 - (D) total expenditures during the period since the last statement; and
 - (E) total expenditures to date.
- (b)
 - (i) Political issues contributions received by a political issues committee that have a value of \$50 or less need not be reported individually, but shall be listed on the report as an aggregate total.
 - (ii) Two or more political issues contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.
- (c) When reporting political issue expenditures made to circulators of initiative petitions, the political issues committee:
 - (i) need only report the amount paid to each initiative petition circulator; and
 - (ii) need not report the name or address of the circulator.
- (3)
 - (a) As used in this Subsection (3), "received" means:
 - (i) for a cash contribution, that the cash is given to a political issues committee;
 - (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and
 - (iii) for any other type of contribution, that any portion of the contribution's benefit inures to the political issues committee.
 - (b) A political issues committee shall report each contribution to the lieutenant governor within 30 days after the contribution is received.
- (4) A political issues committee may not expend a contribution for a political issues expenditure if the contribution:
 - (a) is cash or a negotiable instrument;
 - (b) exceeds \$50; and

(c) is from an unknown source.

Amended by Chapter 21, 2015 General Session

Amended by Chapter 204, 2015 General Session

Amended by Chapter 388, 2015 General Session

20A-11-803 Criminal penalties.

- (1)
 - (a) Each political issues committee that fails to file a financial statement described in Subsection 20A-11-802(1)(a)(vii) or (viii) is guilty of a class B misdemeanor.
 - (b) The lieutenant governor shall report all violations of Subsection (1)(a) to the attorney general.
- (2) Within 30 days after a deadline for the filing of the January 10 statement, the lieutenant governor shall review each filed statement to ensure that:
 - (a) each political issues committee that is required to file a statement has filed one; and
 - (b) each statement contains the information required by this part.
- (3) If it appears that any political issues committee has failed to file the January 10 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the political issues committee of the violation or written complaint and direct the political issues committee to file a statement correcting the problem.
- (4)
 - (a) It is unlawful for any political issues committee to fail to file or amend a statement within seven days after receiving notice from the lieutenant governor under this section.
 - (b) Each political issues committee who violates Subsection (4)(a) is guilty of a class B misdemeanor.
 - (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney general.
 - (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant governor shall impose a civil fine of \$1,000 against a political issues committee that violates Subsection (4)(a).

Amended by Chapter 204, 2015 General Session